

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAKUR D. GANNAWAY,

Petitioner,

-against-

THE PEOPLE OF NEW YORK, NY,

Respondent.

1:21-CV-10314 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is currently incarcerated in the State Correctional Institution, in Camp Hill, Pennsylvania, brings this *pro se* petition for a writ of error *coram nobis*. For the following reasons, the Court dismisses this action without prejudice.

Petitioner has previously submitted to this court a substantially similar petition seeking the same relief; that other petition is pending before the court under docket number 1:21-CV-7674. Because the present petition raises the same claims, no useful purpose would be served by the litigation of this duplicative action. The Court therefore dismisses this action without prejudice to Petitioner's pending action under docket number 1:21-CV-7674.

CONCLUSIOIN

The Court dismisses this action without prejudice as duplicative.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to mail a copy of this order to Petitioner (who is incarcerated in a Pennsylvania state correctional institution but whose address of record is a post-office box in St. Petersburg, Florida) and note service on the docket.

SO ORDERED.

Dated: December 6, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge